IFW

ARNOLD & PORTER LLP

Thomas E. Holsten
Thomas.Holsten@aporter.com

202.942.5085
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

December 20, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Conf. No. 4274
Art Unit: 2623
Examiner: H.V. Tran

Re: U.S. Patent Application Serial No. 09/912,408 filed July 26, 2001
Inventors: Lionel CASSIN *et al.*
Title: Devices, Methods, and a System for Implementing a Media Content Delivery and Playback Scheme
Atty. Dkt: 15235.007

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Office Action Mailed November 20, 2006; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 15235.007. A duplicate copy of this letter is enclosed.

Sincerely,

Thomas E. Holsten (Reg. No. 46,098)
Leslie L. Jacobs (Reg. No. 40,659)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Confirmation No.: 4274
Lionel CASSIN *et al.*	Art Unit: 2623
Appln. No.: 09/912,408	Examiner: Hai V. Tran
Filed: July 26, 2001	Atty. Docket: 15235.007

For: Devices, Methods, And a System for Implementing a Media Content Delivery and Playback Scheme

Response to Office Action Mailed November 20, 2006

Mail Stop Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed November 20, 2006, Applicants submit the following. This response mirrors the election in Applicants' Response to Second Restriction Requirement filed November 17, 2006 (which was filed in response to the office action that erroneously indicated that this application is under accelerated examination).

Applicants note that the Office Action mailed October 19, 2006, is replaced by the Office Action mailed November 20, 2006, as indicated by the Examiner's Interview Summary.

Applicants thank Examiner Tran for his courtesy during a telephonic interview on November 15, 2006, ("Interview"). During the Interview, Applicant's representative, Thomas E. Holsten, and the Examiner discussed the status of Application. The Examiner indicated that the Office erroneously used the incorrect Office Action Summary form PTOL-326AE, and that this

Application is not under accelerated examination. The Examiner indicated that the Office would mail a corrected Office Action indicating the proper status of the Application.

The application presently contains claims 1-150. In the Office Action dated October 19, 2006, in response to the Applicants Response to Restriction Requirement filed August 1, 2006, the Examiner withdrew claims 1-142 from consideration, and required Applicants to elect under 35 U.S.C. § 121 one of the alleged "single disclosed species, either Fig. 4 or Fig. 5 associated with Fig. 1." Office Action at page 2.

The Office requires Applicants to elect a single disclosed species for prosecution on the merits. *Id.* Applicants respectfully traverse the election requirement and provisionally elect the subject matter of Fig. 5 as identified by the Examiner, including claims 148-150 for further prosecution. However, Applicants submit that the Patent Office has not proven that the search and examination of the entire application would impose an undue burden. Applicants submit that the complete examination would be handled most expeditiously by treating all of the pending subject matter as a single entity. As MPEP § 803 directs, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

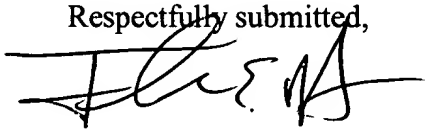
No serious burden is created for the Examiner by running a simultaneous computerized search of the subject matter identified, for example, in Fig. 4 and Fig. 5. A single search of the

subject matter of Fig. 5, for example, would yield results of the subject matter of Fig. 4 without any undue burden on the Examiner.

Applicants submit that restriction to the subject matter of a single figure is improper and Applicants believe no serious burden would result by the search and examination of all of the subject matter contained in the claims, but provisionally elect the species represented by Fig. 5 for further prosecution including the group of claims of 148-150.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (202) 942-5085.

Respectfully submitted,



Filed: December 20, 2006

Leslie L. Jacobs (Reg. No. 40,659)
Thomas E. Holsten (Reg. No. 46,098)

Arnold & Porter LLP
555 Twelfth Street, N.W.
Attn: IP Docketing
Washington, DC 20004-1206
Tel: (202) 942-5000
Fax: (202) 942-5999